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HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P.(C) NO.5779/2007

PETITIONER Anoop Rateriya, S/o. Shyam Kishor Rateriya, aged about 45 years, Occ. Buiseness, Councillor, Ward No.21, Raigarh (CG) R/o. Near Gaurishankar Mandir, Raigarh, District Raigarh (CG)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through : The Secretary Urban Administration and Development Dept. D.K.S.Bhavan, Raipur (CG)
2. Superintendent of Police, Economic Offence Wing Raipur (CG)
3. The Commissioner Nagar Palika Niagam, Raigarh (CG)
4. Collector, District Raigarh (CG)
5. Shri Jethu Ram Manhar, S/o. Sonau Ram Manhar, Age about 42 years, Occu. Mayor of Nagar Palika Nigam Raigarh (CG) R/o. Rambhata, Raigarh (CG)
6. Ku. Giteshwari Manhar, D/o. Jethu Ram Manhar, Aged about 21 years, R/o. Rambhata, Raigarh.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

(SB: Hon'ble Mr. Justice **Satish K. Agnihotri)**

Shri Uttam Pandey, counsel for the petitioner.
Shri Vivek Sharma, Panel lawyer for the State/respondent No.1,2, & 4.

O R D E R
(Passed on this 4th day of October, 2007)

1. The petitioner claiming to be a Ward Councillor of Ward No. 21, near Gaurishankar Mandir, Municipal Corporation, Raigarh, is aggrieved by the appointment of respondent No.6 on the post of Shiksha Karmi Grade III, and as such seeks a writ in the nature of mandamus against the respondent No.1 to declare the respondent No.5 as disqualified to continue as Mayor of the Nagar

Palika Nigam. Further, the respondent No.2 be directed to investigate the conduct of the members of selection committee in appointing the respondent No.6 as Shiksha Karma Grade-III.

2. The main grievance of the petitioner is that the daughter of respondent No.5, namely Ku. Giteshwari Manhar, without submitting the application was appointed on the post of Shiksha Karmi Grade-III pursuant to the advertisement dated 21.08.2006 (Annexure P-2).

3. It is further submitted by learned counsel for the petitioner that the complaints dated 21.02.2007/26.02.2007 and 21.07.2007 (Annexure P-5 & P-6) were made to the respondent No.1 (copy of which is marked to the holders of the constitutional offices) but nothing has happened till date.

4. Learned counsel for the petitioner submits that the petitioner is directly aggrieved by the action of the respondents No. 3 & 5 in appointing the respondent No.6 as Shiksha Karmi Grade III.

5. Heard learned counsel for the petitioner, perused pleadings and the records appended thereto. Admittedly, the petitioner was not a participant and has not made any application pursuant to the advertisement for appointment on the post of Shiksha Karmi Grade III. Thus, the petitioner cannot be held as a person aggrieved. The petitioner himself, being a Ward Councillor, can take up the issue in the Council of the Corporation and further appropriate steps may be taken to rectify the mistakes, if any, committed by the respondent/authorities.

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6. No applicant for appointment on the part of Shiksha Karmi Grade III has come forward challenging the appointment of the respondent No.6 on the post of Shiksha Karmi Grade III.

7. In view of the foregoing, the petitioner is not an aggrieved person and has no locus to file the petition.

8. This petition is accordingly dismissed as not maintainable.

Sd/-
Satish K. Agnihotri
Judge